Subsequently, he made another testamentary instrument in the French language, also disposing of personal property. The Surrogate's Court, New York county, in Re Mayer's Will, 144 New York Supplement, 438, held that, as both were conceded to be interdependent, both were entitled to probate in New York, but that the French will must be translated into English before the decree of probate could be entered and the will enrolled.

Attempt to Alleviate Pain No Excuse for Involuntary Manslaughter.—Two young girls both received hypodermic injections of morphine at the same time, administered by defendant in Silver *v.* State, 79 Southeastern Reporter, 919. Both girls had eaten club sandwiches and drank beer; one of the girls vomited and was better, the other failed to vomit and died, and therefore it was contended that what was eaten and drunk and not the morphine injected into the blood was the cause of death. In affirming a conviction of involuntary manslaughter, the Court of Appeals of Georgia held that the expert evidence demanded a verdict that death was caused by morphine and not ptomaine poisoning, saying that "this inference is not without some force, but its weakness consists in the fact that no two persons are affected in the same manner, either by what they eat or drink, or by morphine; the effect of food or medicine upon a person largely depends upon the physical condition of the subject, and, as to the particular drug, upon the habit, but this discussion is academic, for the evidence is clear and strong that the decedent died from the effects of morphine poisoning." It was also held to be no defense that, in the administration of the drug, the intent was not to cause death, but to alleviate pain.

Negro's Testimony Not Believed by Court.—During the progress of a suit in Alabama, the judge was questioning a witness, who, it would seem, as appears from the case, was a colored person. In the presence and hearing of the jury the judge remarked, "I wouldn't believe a nigger any quicker than a pink-eyed rabbit." Later the judge told the jury that this statement of his should be disregarded. No error was assigned upon the improper statement, however, but the statement to the jury to disregard the remarks is made the subject of an assignment of error. On appeal the Alabama Supreme Court, in Rogers *v.* Smith, 63 Southern Reporter, 530, said that, while the remark was highly improper, and that in making it the trial judge palpably exceeded the limits of judicial discretion, yet, where no motion was made to discharge the jury, and the remarks were neither made a ground for motion for a new trial nor assigned as error on appeal, they were not ground for reversal.